

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

ALAMEDA COUNTY
DISTRICT ATTORNEY
JONATHAN GOODFELLOW,

Defendant.

Case No. [18-cv-00630-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* civil action alleging “extrinsic criminal fraud” against Alameda County District Attorney Jonathan Goodfellow, who prosecuted Bonilla in his state criminal case. The clerk of the court has designated this as a civil rights action under 42 U.S.C. § 1983. Bonilla has been disqualified from proceeding *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915(g) unless he is “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. § 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, Bonilla may not proceed IFP. Moreover, his lawsuit is barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Bonilla continues to bring federal and state civil claims about his state criminal case. These claims should be filed, if at all, in Bonilla’s federal habeas petition, not in civil actions. Accordingly, the case is dismissed with prejudice.

Furthermore, this is not a case in which the undersigned judge’s impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent

legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The Clerk shall close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: February 14, 2018

A handwritten signature in black ink, appearing to read 'Vince Chhabria', written over a horizontal line.

VINCE CHHABRIA
United States District Judge